

Appendix E

Current Authority for Imposing Fees

Statutory:

- 28 U.S.C. §§ 1911 Supreme Court, fees fixed by the court
1913 Court of Appeals, fees fixed by the Judicial Conference
1914 District Court, fees fixed by statute and Judicial Conference
1916 Seaman's suits, exemption from prepayment
1917 Appeal from District Court, statutorily set at \$5.00
1926 Court of Federal Claims, fees fixed by the Judicial Conference
1930 Bankruptcy Court, fees fixed by statute and the Judicial Conference
(but additional fees must be of the kind prescribed under § 1914(b))
1932 Judicial Conference authorized to prescribe fees to be charged by
the Judicial Panel on Multidistrict Litigation¹

The Judiciary Appropriations Act, 1992, Pub. L. No. 102-140, § 303, 105 Stat. 782, 807, 810 (1991), provides as follows:

(a) The Judicial Conference shall . . . prescribe reasonable fees . . . for access to information available through automatic data processing equipment The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

JCUS Fee Schedules:

Courts of Appeals Fee Schedule, exemptions in the schedule for services rendered on behalf of—

the United States—with the exception of items 2, 4, and 13
federal agencies and programs funded from judiciary appropriations

District Court Fee Schedule, exemptions in the schedule for services rendered on behalf of—

the United States—with the exception of items 2, 4, and 14
federal agencies and programs funded from judiciary appropriations

¹ See Federal Courts Improvement Act of 1996, Pub. L. No. 104-317, § 403, 110 Stat. 3847, 3854.

Bankruptcy Court Fee Schedule, exemptions in the schedule for services rendered on behalf of

- the United States—with the exception of items 1, 5, and 23
- bankruptcy administrators
- federal agencies and programs funded from judiciary appropriations
- debtors—adversary filing fee only
- case trustees—adversary filing fee (but payable to the extent an estate is realized)
- \$15 conversion fee (payable only to the extent an estate is realized)

Also Rule 4007(b) says a case may be reopened without payment of “an additional filing fee” to file a dischargeability complaint.

Court of Federal Claims Fee Schedule, exemptions in the schedule for services rendered on behalf of—

- the United States—with exception of items 2 and 8
- federal agencies and programs funded from judiciary appropriations
- bankruptcy administrators

Judicial Panel on Multidistrict Litigation Fee Schedule (not yet prescribed)

Relevant Funds-Directing Statutes:

28 U.S.C. § 612 Judiciary Information Technology Fund

Use of the Judiciary Information Technology Fund is statutorily limited to equipment procurement, “program activities,” and the “effective management, coordination, operation, and use of automatic data processing equipment purchased by the Fund.” 28 U.S.C. § 612(a). The House and Senate reports on the 1997 appropriations bill, however, indicate congressional approval of use of Fund monies for electronic case files development.

The Committee supports the ongoing efforts of the Judiciary to improve and expand information made available in electronic form to the public. Accordingly, the Committee expects the Judiciary to utilize available balances derived from electronic public access fees in the Judiciary [Information Technology] Fund to . . . enhance the availability of electronic information. The overall quality of service to the public will be improved with

the availability of enhancements such as electronic case documents, electronic filings, enhanced use of the Internet, and electronic bankruptcy noticing.

H.R. Rep. No. 104-676, 104th Cong., 2d Sess. 89 (1996).

28 U.S.C. § 1931 Filing fee deposit fund available to offset funds appropriated for the operation and maintenance of the United States Courts²

Section 406(b) of Pub. L. No. 101-162 as amended by Pub. L. No. 103-121 provides that certain fees, including all enumerated after item 18 of the Bankruptcy Court Fee Schedule, go to the fund established under § 1931. [However, item 23 (the electronic public access fee) states that collections are to be deposited to the Judiciary Information Technology Fund.]

² Section 406(b) of Pub. L. 101-162 as amended by Pub. L. 103-121 provides that certain fees, including all enumerated after item 18 of the Bankruptcy Court Fee Schedule, go to the fund established under § 1931.